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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,819	11/20/2000	Alfred D. Ducharme	C1104/7061	9031
37462	7590	12/28/2004	EXAMINER	
LOWRIE, LANDO & ANASTASI RIVERFRONT OFFICE ONE MAIN STREET, ELEVENTH FLOOR CAMBRIDGE, MA 02142			LEE, Y MY QUACH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/716,819	<b>Applicant(s)</b> DUCHARME ET AL.	
	<b>Examiner</b> Y Quach Lee	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,16-19,21,22,25-33 and 66-298 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,16-19,21,22,25-32,66-85,175-182 and 210-298 is/are allowed.
- 6) ☒ Claim(s) 33,86-91,97-101,106,110-116,118,136 and 158-165 is/are rejected.
- 7) ☒ Claim(s) 92-96,102-105,107-109,117,119-135,137-157,166-174 and 183-209 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/03-10/04</u> | 6) <input type="checkbox"/> Other: _____  |

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***DETAILED ACTION***

***Response to Amendment***

1. Applicant's submission of information disclosure statements has been considered. Accordingly, the indicated allowability of claims 33, 86 to 91, 97 to 101, 106, 110 to 116, 118, 136 and 158 to 165 is withdrawn in view of the references to Blessing (DE 19651140) and Conway et al. (6,149,283). Rejections based on the newly cited references follow.

***Claim Objections***

2. Claim 111 is objected to because of the following informalities: In claim 111, this claim is identical to claim 110. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 33 is rejected under 35 U.S.C. 102(b) as being anticipated by Blessing (DE 19651140, prior art cited by applicant).

Blessing shows a lighting fixture for replacing fluorescent tubes comprising a mounting (9), at least two component illumination sources (4, 5, 6) mounted on the mounting, a connector (11) mounted on the mounting, the connector capable of connecting with a device (page 2, column 2, last few lines to page 3, column 1, lines 1 to 2, page 4, column 2, lines 11 to 16, page 5, column 1, lines 36 to 39) adapted for holding fluorescent tubes to receive power from the device and provide power to the illumination sources, a control circuit for controlling the illumination sources, and the control circuit and the illumination sources configured such that a mixing of radiation from the illumination sources is capable of producing white light (page 4, column 1, line 42).

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5. Claims 86 and 87 are rejected under 35 U.S.C. 102(b) as being anticipated by Blessing (DE 19651140, prior art cited by applicant).

Blessing shows a lighting fixture for replacing fluorescent tubes comprising a mounting (9), at least two component illumination sources (4, 5, 6) mounted on the mounting, a connector (11) mounted on the mounting, the connector capable of connecting with a device (page 2, column 2, last few lines to page 3, column 1, lines 1 to 2, page 4, column 2, lines 11 to 16, page 5, column 1, lines 36 to 39) adapted for holding fluorescent tubes to receive power from the device and provide power to the illumination sources, a control circuit for controlling the illumination sources, each of the illumination sources configured to generate radiation having an essentially white light (page 4, column 1, lines 5, 40 and 41), and at least one of the illumination sources including one white LED (note that the illumination sources are selectable (page 4, column 1, lines 45 and 46)).

6. Claims 88 to 91, 97 to 101 and 158 to 163 are rejected under 35 U.S.C. 102(b) as being anticipated by Blessing (DE 19651140, prior art cited by applicant).

Blessing shows a lighting fixture for replacing fluorescent tubes comprising a mounting (9), at least two component illumination sources (4, 5, 6) mounted on the mounting, a connector (11) mounted on the mounting, the connector capable of connecting with a device (page 2, column 2, last few lines to page 3, column 1, lines 1 to 2, page 4, column 2, lines 11 to 16, page 5, column 1, lines 36 to 39) adapted for holding fluorescent tubes to receive power from the device and provide power to the illumination sources, a control circuit for controlling the illumination sources, the illumination sources comprising a first illumination source configured to generate first radiation having a first spectrum (page 2, column 2, line 24), a second illumination source configured to generate second radiation having a second spectrum (page 2, column 2, line 24) such that the first spectrum and the second spectrum are different, the lighting fixture configured such that a mixing of the first and second radiation when power is provided to at least the first and second illumination sources producing a resulting spectrum such that a color of the resulting spectrum as perceived by an observer is an essentially white light (page 4, column 1, lines 40 to 41) or essentially non white light since the result spectrum can be imparted by appropriately adjusting the supply voltages applied to the illumination sources, at least one of

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the illumination sources including at least one non white LED including at least one amber LED (note that the illumination sources are selectable (page 4, column 1, lines 45 and 46)), at least one red LED (page 2, column 2, line 24), at least one green LED (page 2, column 2, line 24), and/or at least one blue LED (page 2, column 2, line 24).

7. Claim 33 is rejected under 35 U.S.C. 102(e) as being anticipated by Conway et al. (6,149,283, prior art cited by applicant).

Conway et al. show a lighting fixture for replacing fluorescent tubes comprising a mounting (31), at least two component illumination sources (19, 21, 23) mounted on the mounting, a connector (11, 12) mounted on the mounting, the connector capable of connecting with a device (column 3, lines 33 to 37) adapted for holding fluorescent tubes to receive power from the device and provide power to the illumination sources, a control circuit for controlling the illumination sources, and the control circuit and the illumination sources configured such that a mixing of radiation from the illumination sources is capable of producing white light (column 3, line 17).

8. Claim 86 is rejected under 35 U.S.C. 102(e) as being anticipated by Conway et al. (6,149,283, prior art cited by applicant).

Conway et al. show a lighting fixture for replacing fluorescent tubes comprising a mounting (31), at least two component illumination sources (19, 21, 23) mounted on the mounting, a connector (11, 12) mounted on the mounting, the connector capable of connecting with a device (column 3, lines 33 to 37) adapted for holding fluorescent tubes to receive power from the device and provide power to the illumination sources, a control circuit for controlling the illumination sources, and each of the illumination sources configured to generate radiation having an essentially white light (column 3, lines 17 to 20).

9. Claims 88 to 91, 97, 98, 100, 106, 110 to 116, 118, 136, 158 to 161 and 163 to 165 are rejected under 35 U.S.C. 102(e) as being anticipated by Conway et al. (6,149,283, prior art cited by applicant).

Conway et al. show a lighting fixture for replacing fluorescent tubes comprising a mounting (31), at least two component illumination sources (19, 21, 23) mounted on the mounting, a connector (11, 12) mounted on the mounting, the connector capable of connecting

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with a device (column 3, lines 33 to 37) adapted for holding fluorescent tubes to receive power from the device and provide power to the illumination sources, a control circuit for controlling the illumination sources, the illumination sources comprising a first illumination source configured to generate first radiation having a first spectrum (column 2, line 51), a second illumination source configured to generate second radiation having a second spectrum (column 2, line 51) such that the first spectrum and the second spectrum are different, the lighting fixture configured such that a mixing of the first and second radiation when power is provided to at least the first and second illumination sources producing a resulting spectrum such that a color of the resulting spectrum as perceived by an observer is an essentially white light (column 3, line 17) or essentially non white light (column 3, lines 17 to 20), at least one of the illumination sources including at least one non white LED including at least one red LED (19), at least one green LED (21), at least one blue LED (23) or at least one LED including a phosphor (column 3, lines 8 to 9), and the control circuit configured to independently control at least a first intensity and a second intensity by at least one user interface (18, 20, 22) so as to controllably vary an overall color of the resulting spectrum in response to user input (column 5, lines 11 to 12).

10. Claims 1, 16-19, 21, 22, 25-32, 66-85, 175-182 and 210-298 are allowed.

11. Claims 92-96, 102-105, 107-109, 117, 119-135, 137-157, 166-174 and 183-209 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding

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should be directed to the Customer Service whose telephone number is 703-308-2733.

Y. Q.  
December 16, 2004



Y Quach Lee  
Patent Examiner  
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